

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BARBARA G. STRANGE and U.S. POSTAL SERVICE,
POST OFFICE, Moore, SC

*Docket No. 00-1488; Submitted on the Record;
Issued April 16, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs abused its discretion by refusing to reopen appellant's case for further review on the merits of her claim under 5 U.S.C. § 8128(a).

On June 20, 1996 appellant, a 51-year-old postmaster, filed a claim for benefits, alleging that she sustained an emotional condition caused by stress resulting from factors of her employment and that she became aware this condition was related to her employment in April 1996. In a handwritten statement accompanying the claim, appellant alleged a pattern of harassment on the part of certain employees and management officials, which occurred over a period of years.

In a report dated May 9, 1996, Dr. Ernest W. Arnold, Board-certified in internal medicine, diagnosed chronic hypertension, depression and fibromyalgia. Dr. Arnold stated that appellant was under a lot of stress and had expressed fears for her physical safety at work. He advised that he would not expect any of her conditions to fully resolve but believed that continuation of her present work situation would worsen them.

By letter dated September 3, 1996, the Office advised appellant that she needed to submit additional evidence in support of her claim, including a description of the specific work factors that caused her alleged emotional condition and a comprehensive medical report which described how these factors resulted in the alleged emotional condition or disability.

Dr. Arnold submitted a report dated September 18, 1996 in which he expounded on appellant's hypertension condition, reiterated his earlier findings and conclusions regarding the stressful nature of her workplace and stated that her emotional illness had been long term in duration and onset. He opined that the onset of the condition was difficult to pinpoint, and noted that in the past several years she had reported multiple complaints which had been consistent with stress and anxiety-related disorder. Dr. Arnold advised that appellant believed that, beginning about eight years earlier, several employees were undermining her work and trying to

get rid of her, allegedly because they were dissatisfied with certain changes she had implemented at the workplace. He related that appellant described several instances in which she came to believe she was at personal risk for significant injury or death. Dr. Arnold advised that appellant felt these incidents greatly contributed to her emotional distress and stress-related physical problems.¹

By decision dated May 13, 1997, the Office denied appellant's claim, finding that she did not submit evidence sufficient to establish that she sustained an emotional condition in the performance of duty.

By letter dated May 12, 1998, appellant's attorney requested reconsideration. Appellant submitted two additional medical reports from Dr. Arnold dated December 4, 1996 and May 12, 1998 and two from J. Christopher Caston, Board-certified in psychiatry and neurology, dated December 9, 1996 and May 7, 1998.

By decision dated January 13, 2000, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions nor included new and relevant evidence sufficient to require the Office to review its prior decision.

The Board finds that the Office did not abuse its discretion by refusing to reopen appellant's case for further review on the merits of her claim under 5 U.S.C. § 8128(a).

Under 20 C.F.R. § 10.607, a claimant may obtain review of the merits of his or her claim by showing that the Office erroneously applied or interpreted a specific point of law; by advancing a relevant legal argument not previously considered by the Office; or by submitting relevant and pertinent evidence not previously considered by the Office.² Evidence that repeats or duplicates evidence already in the case record has no evidentiary value and does not constitute a basis for reopening a case.³

In the present case, appellant has not shown that the Office erroneously applied or interpreted a specific point of law; she has not advanced a relevant legal argument not previously considered by the Office; and she has not submitted relevant and pertinent evidence not previously considered by the Office. Although appellant submitted reports from Drs. Arnold and Caston, she failed to submit factual evidence demonstrating specific, compensable acts of employment, which was required to establish a *prima facie* case that she sustained an emotional condition in the performance of duty. Thus, her request did not contain any new and relevant evidence for the Office to review. Additionally, the May 12, 1998 letter from appellant's attorney failed to show that the Office erroneously applied or interpreted a point of law nor did it advance a point of law not previously considered by the Office. Although appellant generally contended that she sustained an emotional condition in the performance of duty, she failed to

¹ Appellant also submitted reports dated June 20 and September 25, 1996 from Timothy L. Holland, a psychological counselor, who diagnosed an adjustment disorder resulting from her highly stressful employment situation.

² 20 C.F.R. § 10.607(b)(1). *See generally* 5 U.S.C. § 8128(a).

³ *Howard A. Williams*, 45 ECAB 853 (1994).

submit new and relevant factual evidence that this condition was causally related to factors of her employment. Therefore, the Office did not abuse its discretion in refusing to reopen appellant's claim for a review on the merits.

The decision of the Office of Workers' Compensation Programs dated January 13, 2000 is hereby affirmed.

Dated, Washington, DC
April 16, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member